

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

JOHN BELL,)	
)	
Plaintiff,)	
v.)	
)	
)	No. 07 CV 7086
COMTRUST, INC.,)	Judge Darrah
Defendant.)	

**COMTRUST’S MOTION FOR EXTENSION OF TIME TO FILE ITS MEMORANDUM
IN OPPOSITION TO THE PETITION TO CONFIRM ARBITRATION AWARD AND IN
SUPPORT OF ITS REQUEST FOR VACATUR OF THAT AWARD**

On December 17, 2007, Plaintiff filed his Petition to Confirm the arbitration award that had been rendered a National Futures Association arbitration panel. Thereafter, Comtrust, Inc. filed with the arbitration panel a motion that challenged substantial aspects of the award, which the panel denied on January 3, 2008.

Comtrust, Inc. requests that it be given 45 days to respond to the Petition to Confirm, which will argue that the award should be vacated. The requested period is necessitated by current unavailability of the administrative record, which obviously must be evaluated for purposes of the confirmation, vel non of the award. Comtrust is in the process of obtaining the multi-day hearing tape, which then must be transcribed for purposes of Comtrust’s presentation and this Court’s decision.

It is no answer to say that “there is no right to appeal” NFA arbitration awards, (Petition at 4), a position that seeks to reduce this Court to a rubber stamp. The Federal Arbitration Act, *pursuant to which the Petition to Confirm has been brought* (Id. at 1), expressly provides for appeals and vacatures of arbitration awards, just as does the common law. See 9 U.S.C. §§10,

16(a); Scott v. Prudential Securities, Inc., 141 F.3d 1007 (11th Cir. 1998); R.J. O'Brien & Associates, Inc. v. Pipkin, 64 F.3d 257 (7th Cir. 1995).

Respectfully submitted,

/s/ Andrew Staes
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CERTIFICATE OF SERVICE

I, Andrew Staes, hereby certify that I have caused a copy of the foregoing motion to be served electronically upon Mr. Howard Prossnitz, 200 W. Madison Street, Chicago, IL 60606 and Mr. James Kopecky, James L. Kopecky P.C., 312 N. Clark Street, Suite 2200, Chicago, IL 60610 on January 4, 2008.

/s/ Andrew Staes
ANDREW STAES